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BILL NO. 2018-10

ORDINANCE NO. 6621

AN ORDINANCE PERTAINING TO "NIGHTCLUBS" AND "RESTAURANTS WITH ALCOHOL"; AMENDING THE LICENSING AND ZONING PROVISIONS REGARDING NIGHTCLUBS TO UPDATE THE DEFINITION OF "NIGHTCLUB" AND REVISE APPLICABLE LICENSING AND ZONING STANDARDS; ADJUSTING THE LIVE ENTERTAINMENT AND FOOD SALES PROVISIONS PERTAINING TO RESTAURANTS WITH ALCOHOL; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven G. Seroka	Summary: Amends the licensing and zoning provisions regarding nightclubs to update the definition of "nightclub" and revise applicable licensing and zoning standards, and adjusts the live entertainment and food sales provisions pertaining to restaurants with alcohol.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 39, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.39.010: (A) As the primary operations of a nightclub [are] often include the sales of alcoholic beverages for immediate on-premises consumption and the provision of live entertainment at a fixed establishment during the late night and early morning hours, and such operations can negatively impact surrounding businesses and residential areas during the late evening and early morning hours due to noise and congestion from the additional vehicular and pedestrian traffic coming to and from such establishments, the City Council declares that all businesses considered to be a nightclub pursuant to this [subsection] Chapter must be specifically licensed for such operation, whether newly proposed or an existing business operation as further delineated herein.

(B) The City Council understands that there are certain liquor establishments authorized to provide live entertainment pursuant to LVMC 6.50.520, and if an establishment is not considered a nightclub for purposes of this [subsection,] Subsection (B), then such establishment shall comply with the provisions of LVMC 6.50.520 prior to providing live entertainment at such an establishment.

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1 SECTION 2: Title 6, Chapter 39, Section 20, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.39.020:** (A) Subject to Subsection (C)(1), below, it is unlawful for any person to commence,
4 carry on or engage in or operate any nightclub as defined by LVMC 6.39.030 without first obtaining and
5 thereafter maintaining a valid, unexpired nightclub license as provided herein. Due to the negative secondary
6 impacts a nightclub can create, such a license is required whether it is a new business operation or an existing
7 operation that is considered a nightclub.

8 (B) A nightclub license pursuant to this Chapter shall not issue for an establishment that
9 will sell or serve alcoholic beverages unless the applicant possesses a beer and wine room alcoholic beverage
10 license, tavern alcoholic beverage license, tavern-limited alcoholic beverage license, general on-sale
11 alcoholic beverage license, or urban lounge alcoholic beverage license for the establishment at which the
12 nightclub license is proposed for issuance, and, except as provided at Subsection (C)(2), below, such license
13 shall not be issued if the establishment is located on property not properly entitled for a nightclub use pursuant
14 to LVMC Title 19.

15 (C) Existing Business Operations.

16 (1) Any existing business that is considered a nightclub pursuant to this Chapter
17 shall apply for and obtain licensure as a nightclub by October 1, 2015, or completely cease nightclub
18 operations by November 1, 2015.

19 (2) While certain land use approvals are required for new nightclub operations
20 pursuant to Title 19 of this Code, any nightclubs lawfully operating prior to December 1, 2014 may be
21 licensed pursuant to this Chapter without obtaining land use approval for a nightclub use pursuant to LVMC
22 Title 19, notwithstanding LVMC 6.39.020(B), above.

23 (D) A separate license is required for each location at which a licensee conducts
24 business, and such licenses are not transferable. In order for an applicant for a nightclub license to obtain and
25 maintain such license in good standing, the establishment must comply, and continue to comply with all
26 applicable zoning, building, fire and health requirements.

1 SECTION 3: Title 6, Chapter 39, Section 30, of the Municipal Code of the City of Las

2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.39.030:** "Nightclub" means an [establishment that is licensed to sell alcoholic beverages pursuant to
4 a beer and wine room alcoholic beverage license, tavern alcoholic beverage license, tavern-limited alcoholic
5 beverage license or urban lounge alcoholic beverage license whose primary operations are that of preparing
6 and serving alcoholic beverages for immediate on-premises consumption and the provision of live
7 entertainment, generally operated primarily in the late-evening/early morning hours. This term does not
8 include an erotic dance establishment as licensed under LVMC 6.35 or an establishment that qualifies as an
9 erotic dance establishment.

10 (A) An establishment shall be considered a nightclub, and must obtain a business license
11 pursuant to this Chapter, if it exhibits the following characteristics:

12 (1) Live entertainment is provided in an area that exceeds fifty square feet, and
13 the following spaces shall be included in the calculation of such area: stage space, disc jockey space, dance
14 floor(s), and any space primarily dedicated to the viewing of the live entertainment provided by the licensee;
15 and

16 (2) Its primary entertainment operating hours are generally between the hours
17 of nine p.m. and five a.m. the following day, or "afterhours" between four a.m. and ten a.m. on the same day.

18 (B) For purposes of this definition, live entertainment includes live music (with or
19 without dancing), recorded or digital music played for patrons by a live disc jockey or electronic device,
20 karaoke entertainment or other stage shows, such as a magician, comedian other similar type of performance
21 artist.] indoor or outdoor drinking, dancing, or entertainment establishment that does its primary business
22 after dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly
23 occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing
24 (whether or not dancing actually occurs). The operation of the establishment may (but is not required to)
25 include any of the following: onsite consumption of alcoholic beverages, a bar area, a fee for admittance, a
26 promoter contracted to provide entertainment, and the sale of prepared food. In order to qualify as a

1 nightclub, any sale of prepared food must be accessory to the primary business operation, and gross receipts
2 from the sales thereof may not exceed gross receipts from the sales of alcoholic beverages. The term does
3 not include an establishment that is licensed (or qualifies) as an erotic dance establishment under LVMC
4 Chapter 6.35 or a teenage-related establishment licensed under LVMC Chapter 6.80.

5 SECTION 4: Title 6, Chapter 39, Section 50, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.39.050:** (A) Hours of Operation. The hours of operation for a nightclub shall be determined by
8 the Director at the time of permanent license approval pursuant to LVMC 6.02.090. If there is a conflict
9 between the hours of operation for a nightclub approved by the Director for the nightclub license and hours
10 of operation approved by the City Council pursuant to either: 1) an alcoholic beverage license for the
11 establishment; or 2) an approved land use entitlement permitting the operation of a nightclub, the condition
12 regarding hours of operation approved by the City Council shall control.

13 (B) Security Plan Required. Prior to the approval of any temporary or permanent license,
14 the [licensee] applicant shall present to the Director a security plan for approval, and a license shall not issue
15 until such plan is approved by the Director. The Director shall issue, and may revise on an as-needed basis,
16 an official policy to describe the scope of the required security plan for the benefit of potential licensees. In
17 the case of a license that was issued before the provisions of this Subsection (B) were adopted, the Director
18 may require the licensee to submit for the Director's approval a security plan. The Director may also require
19 a licensee to submit for approval a revised security plan if the Director determines that provisions for security
20 at the licensee's nightclub are inadequate. The Director may establish a deadline for the submission of new
21 or revised plans. Upon receipt of a new or revised security plan, the Director shall approve, deny or take
22 other appropriate action regarding the plan, including the establishment of a deadline within which to update
23 or implement a security plan or a date by which operations must cease in connection with the denial of a
24 security plan. It is unlawful for a licensee to:

25 (1) Fail to submit a security plan by the deadline established for such
26 submission;

1 (2) Continue to operate the licensed establishment beyond a deadline
2 established for updating or implementing a security plan without having accomplished the update or
3 implementation; or

4 (3) Continue to operate the licensed establishment beyond a date established for
5 ceasing operations in connection with the denial of a security plan.

6 (C) If the licensed establishment is within five hundred feet of a residential property, the
7 licensee must post signs at locations clearly visible within the club and at both on and off-site parking areas,
8 requesting patrons to respect residents of adjacent residential neighborhoods by being quiet when leaving.

9 (D) Limitation on Outdoor Activities. Unless otherwise permitted by land use
10 entitlement approved for such establishment, any and all activities associated with a licensed establishment
11 shall be conducted entirely within the interior of such establishment, except for the following:

- 12 (1) The checking of patrons' identification;
13 (2) Valet parking activities;
14 (3) The sale of admission tickets for current or future events;
15 (4) Eating, drinking, or dancing when specifically allowed outside by Title 12
16 special event permit.

17 (E) If patrons are waiting outside the licensed establishment for entry into such
18 establishment, the licensee shall organize and maintain its patrons in line [as follows:

- 19 (1) Such line shall be on a sidewalk, unless on private property;
20 (2) If on a sidewalk, such line shall be parallel to and against the structure of
21 the licensed establishment;

22 (a) Such line shall not be more than two abreast (two persons next to
23 one another);

24 (b) Such line shall only be maintained on a sidewalk that is not located
25 in a residential neighborhood; and

26 (c) Such line shall not restrict reasonable pedestrian movement on the

sidewalk.] in accordance with this Subsection (E). Each outdoor patron line must be on private property or on a public sidewalk not located in a residential neighborhood. If on a public sidewalk, an outdoor patron line shall:

- (1) Be parallel to and against the structure of the licensed establishment;
- (2) Be maintained so that not more than two persons are abreast (next to one another);
- (3) Not restrict reasonable pedestrian movement on the sidewalk; and
- (4) Not obstruct the entrance to any other establishment that is open for business.

(F) Noise. No interior noise shall be audible beyond the property line [with the doors] when exterior doors are closed, [unless] If a more restrictive requirement exists elsewhere in [the Las Vegas Municipal] this Code, [then] the more restrictive requirement applies.

SECTION 5: Title 6, Chapter 50, Section 220, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.220: (A) The seating area in the lounge area of a restaurant with alcohol shall not exceed:

- (1) One bar seat or stool for each eight restaurant seats; and
- (2) One table or booth seat for each three restaurant seats.

(B) The actual seating available at all times within the restaurant area of a restaurant with alcohol must be able to accommodate at least one hundred persons. For purposes of the minimum-seating requirement, the "restaurant area" does not include bar seat or stool seating at a bar, but may include table or booth seating within the bar area and table seating within a patio area.

(C) Any lounge area within a restaurant with alcohol shall be separated from the restaurant area by a barrier sufficient to prevent access to the lounge area by minors and by signage approved by the Director.

(D) Meals must be served during all hours that the bar is open for business and a cook and food server other than the bartender shall be on duty at all such times.

1 (E) It is unlawful for a restaurant with alcohol to operate a buffet, buffet-style, cafeteria,
2 or cafeteria-style restaurant as the primary food operation of the business. A buffet-style food operation may
3 be among the menu selections at a fixed price; however, the aforementioned food operations are only to
4 supplement the regular menu of complete meals and a la carte items.

5 (F) It is unlawful for a licensee to charge or collect any admission fee, including, but not
6 limited to, soliciting donations or requiring ticket purchases for entry into the licensed establishment.

7 (G) Limited live entertainment is permitted on the premises of the licensed establishment
8 only if approved by the approval authority. [, and the entertainer(s) providing the limited live entertainment
9 are restricted to an area of no greater than fifty square feet.]

10 (H) Food sales at a restaurant with alcohol shall not be less than fifty-five percent of
11 gross sales. For the purpose of this Subsection, "gross sales" means the total of all food sales, nonalcoholic
12 beverage sales, and alcoholic beverage sales. Alcoholic beverage sales shall include the retail value of any
13 complimentary beverages provided to customers of the licensee. If, after a Department audit or review, the
14 food sales at a restaurant with alcohol are determined to be less than fifty-five percent of gross sales, the
15 Director may restrict the approved live entertainment area to an area of no greater than fifty square feet, and
16 may condition the license to reflect this limitation. Upon the imposition of such a condition, the licensee
17 may request a review of the condition after six months. The condition may be removed by the Director upon
18 sufficient proof that food sales are at least fifty-five percent of gross sales.

19 (I) The Director or designee shall have access to all records necessary to audit the
20 licensee in order to determine whether the restaurant operation is the principal business. It is unlawful for a
21 licensee to fail to keep adequate records and it is also unlawful for a licensee to fail to produce adequate
22 records to the Director or designee within seventy-two hours of the demand by the Director or designee for
23 production of the records. The records required to be kept and made accessible pursuant to this Subsection
24 shall be those described in LVMC 6.02.210.

25 (J) Each separate bar within the licensed establishment shall be accounted for and
26 licensed separately.

1 SECTION 6: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
2 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
3 Sections 7 to 11, inclusive, of this Ordinance. The amendments are deemed to be amendments to both
4 Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

5 SECTION 7: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10,
6 is hereby amended by amending the entry for the use "Night Club" to change the name of the use to a one-
7 word use and to indicate that the use is allowed as a conditional use in the C-M and M Zoning Districts. In
8 order to reflect the amendment, the name of the use as shown in the Tables shall be changed from "Night
9 Club" to "Nightclub" and the letter "C" shall be substituted for the letter "S" in the box that represents the
10 intersection of the row for the use "Nightclub" and the column for each of the C-M and M Zoning Districts.

11 SECTION 8: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry
12 for the use "Night Club" so that the name of the use and its description read as follows:

13 **[Night Club**

14 **Description:**

15 A. An establishment, other than a teen dance center, where its primary operations are that of preparing and
16 serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment,
17 generally operated primarily in the late evening/early morning hours. An establishment shall be considered
18 a nightclub if it exhibits the following characteristics;

19 1. Live entertainment is provided in an area that exceeds fifty square feet, and the following spaces
20 shall be included in the calculation of such area: stage space, disc jockey space, dance floor(s), and any space
21 primarily dedicated to the viewing of the live entertainment provided by the licensee; and

22 2. Its primary operating hours are generally between the hours of nine p.m. and five a.m. the
23 following day, or "afterhours" between four a.m. and 10 a.m. on the same day.

24 B. For purposes of this description, live entertainment includes live music (with or without dancing), recorded
25 or digital music played for patrons by a live disc jockey or electronic device, or karaoke entertainment or
26 other stage shows, such as a magician, comedian other similar type of performance artist.]

1 **Nightclub**

2 **Description:**

3 An indoor or outdoor drinking, dancing, or entertainment establishment that conducts its primary business
4 after dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly
5 occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing
6 (whether or not dancing actually occurs). The use may (but is not required to) include any of the following:
7 onsite consumption of alcoholic beverages, a bar area, a fee for admittance, a promoter contracted to provide
8 entertainment, and the sale of prepared food. In order to qualify as a nightclub, any sale of prepared food
9 must be accessory to the primary use. The use does not include an erotic dance establishment licensed under
10 LVMC Chapter 6.35 or an establishment that qualifies as a Teen Dance Center.

11 SECTION 9: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry
12 for the use "Nightclub" to add, at the appropriate location, Conditional Use Regulations for that use, reading
13 as follows:

14 **Conditional Use Regulations:**

15 1. Because the primary operations of a nightclub often include preparing and serving alcoholic
16 beverages for immediate on-premises consumption and the provision of live entertainment, the City Council
17 declares that the public health, safety and general welfare of the City are best promoted and protected by
18 generally requiring a minimum separation between a nightclub and other uses that should be protected from
19 the impacts associated with a nightclub. Therefore, except as otherwise provided below, no nightclub may
20 be located within 1500 feet of a church, synagogue, school, child care facility licensed for more than 12
21 children or City park.

22 2. A person that desires to operate a nightclub shall obtain both a nightclub land use entitlement as well
23 as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person
24 lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not
25 required to obtain a special use permit for the continued operation of such nightclub use. Real property
26 entitled for a nightclub pursuant to this Code shall have no specific spacing requirements between other

1 nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement
2 permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or
3 otherwise diminish the specific spacing requirements between uses entitled for the service of alcohol for on-
4 premise consumption.

5 3. The distance separation referred to in Requirement 1 above and Requirement 7 below shall be
6 measured with reference to the shortest distance between two property lines, one being the property line of
7 the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other
8 being the property line of that existing use which is closest to the proposed nightclub. The distance shall be
9 measured in a straight line without regard to intervening obstacles.

10 4. For the purpose of Requirement 3 and for that purpose only:

11 a. The "property line" of a protected use refers to the property line of a fee interest parcel that
12 has been created by an approved and recorded parcel map or subdivision map, and does not include the
13 property line of a leasehold parcel; and

14 b. The "property line" of a nightclub refers to:

15 i. The property line of a parcel that has been created by an approved and recorded
16 parcel map or commercial subdivision map; or

17 ii. The property line of a parcel that is located within an approved and recorded
18 commercial subdivision and that has been created by a record of survey or legal description, if:

19 A. Using the property line of that parcel for the purpose of measuring the
20 distance separation referred to in Requirement 1 would qualify the parcel under the distance separation
21 requirement;

22 B. The proposed nightclub will have direct access (both ingress and egress)
23 from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a
24 larger development but must be located within the property lines of the parcel on which the proposed
25 nightclub will be located;

26 C. All parking spaces required by this Section 19.12.070 for the nightclub will

1 be located on the same parcel as the use; and

2 D. The owners of all parcels within the commercial subdivision, including the
3 owner of the nightclub parcel, sign an agreement, satisfactory to the City Attorney, that provides for
4 perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

5 5. The distance separation requirement set forth in Requirement 1 does not apply to an establishment
6 which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or
7 before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1,
8 1992.

9 6. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50.

10 7. Except as otherwise provided in Requirement 8 below, no nightclub may be located within 500 feet
11 of any single family dwelling.

12 8. The distance separation requirement set forth in Requirement 7 does not apply to:

13 a. An establishment which has a non-restricted gaming license in connection with a hotel
14 having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in
15 excess of 200 guest rooms after July 1, 1992.

16 b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District
17 or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.

18 c. A nightclub that meets all the following criteria:

19 i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston
20 Boulevard and Fremont Street;

21 ii. Is located on a parcel with a minimum net site area of 0.25 acres; and

22 iii. Is located within a building that has a minimum of 5000 square feet of gross floor
23 area dedicated to the nightclub use.

24 9. Alcohol service, if any, is permitted only in conjunction with the following Title 6 alcoholic beverage
25 licenses: Beer and Wine Room, Tavern, Tavern-Limited, General On-Sale and Urban Lounge.

26 SECTION 10: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry

1 for the use "Nightclub" so that the Minimum Special Use Permit Requirements for that use read as follows:

2 **Minimum Special Use Permit Requirements:**

3 *1. Because the primary operations of a nightclub [are that of] often include preparing and serving
4 alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, the City
5 Council declares that the public health, safety and general welfare of the City are best promoted and protected
6 by generally requiring a minimum separation between a nightclub and other uses that should be protected
7 from the impacts associated with a nightclub. Therefore, except as otherwise provided below, no nightclub
8 may be located within 1500 feet of a church, synagogue, school, child care facility licensed for more than 12
9 children or City park.

10 *2. A person that desires to operate a nightclub shall obtain both a nightclub land use entitlement as well
11 as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person
12 lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not
13 required to obtain a special use permit for the continued operation of such nightclub use. Real property
14 entitled for a nightclub pursuant to this Code shall have no specific spacing requirements between other
15 nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement
16 permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or
17 otherwise diminish the specific spacing requirements between uses entitled for the service of alcohol for on-
18 premise consumption.

19 *3. The distance separation referred to in Requirement 1 above and Requirement 8 below shall be
20 measured with reference to the shortest distance between two property lines, one being the property line of
21 the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other
22 being the property line of that existing use which is closest to the proposed nightclub. The distance shall be
23 measured in a straight line without regard to intervening obstacles.

24 *4. For the purpose of Requirement 3 and for that purpose only:

25 a. The "property line" of a protected use refers to the property line of a fee interest parcel that
26 has been created by an approved and recorded parcel map or subdivision map, and does not include the

- 1 property line of a leasehold parcel; and
- 2 b. The "property line" of a nightclub refers to:
- 3 i. The property line of a parcel that has been created by an approved and recorded
- 4 parcel map or commercial subdivision map; or
- 5 ii. The property line of a parcel that is located within an approved and recorded
- 6 commercial subdivision and that has been created by a record of survey or legal description, if:
- 7 A. Using the property line of that parcel for the purpose of measuring the
- 8 distance separation referred to in Requirement 1 would qualify the parcel under the distance separation
- 9 requirement;
- 10 B. The proposed nightclub will have direct access (both ingress and egress)
- 11 from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a
- 12 larger development but must be located within the property lines of the parcel on which the proposed
- 13 nightclub will be located;
- 14 C. All parking spaces required by this Section 19.12.070 for the nightclub will
- 15 be located on the same parcel as the use; and
- 16 D. The owners of all parcels within the commercial subdivision, including the
- 17 owner of the nightclub parcel, sign an agreement, satisfactory to the City Attorney, that provides for
- 18 perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
- 19 5. The distance separation requirement set forth in Requirement 1 does not apply to an establishment
- 20 which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or
- 21 before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1,
- 22 1992.
- 23 6. The distance separation requirement set forth in Requirement 1 may be waived in accordance with
- 24 the provisions of LVMC 19.12.050(C) under the following circumstances:
- 25 a. In connection with a proposed nightclub that will be located on a parcel within the C-V
- 26 District; the Market District or Symphony Park District as shown in Figure 3 of the Development Standards

adopted in LVMC 19.10.110(B); the Gaming Enterprise Overlay District; the Fremont East Entertainment District; the 18b Arts District or the Downtown Casino Overlay District;

b. In connection with a proposed nightclub to be located on a parcel within that certain area formerly identified as the Office Core District, described as the area bounded on the north by the centerline of Bridger Avenue, on the east by the centerline of 6th Street, on the south by the centerline of Garces Avenue, and on the west by the eastern edge of the Union Pacific Railroad right-of-way line; or

c. In connection with a proposed nightclub that will be located within an establishment which has a non-restricted gaming license and is not exempted pursuant to Paragraph 5.

7. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50.

*8. Except as otherwise provided in Requirement 9 below, [No] no nightclub may be located within 500 feet of any single family dwelling, [unless:

a. The parcel on which the nightclub will be located is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;

b. The parcel has a minimum net site area of 0.25 acres; and

c. The nightclub use will be located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the use.]

9. The distance separation requirement set forth in Requirement 8 does not apply to:

a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.

c. A nightclub that meets all the following criteria:

i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;

ii. Is located on a parcel with a minimum net site area of 0.25 acres; and

1 iii. Is located within a building that has a minimum of 5000 square feet of gross floor
2 area dedicated to the nightclub use.

3 [*9.] *10. Alcohol service, if any, is [only] permitted only in conjunction with the following Title 6 alcoholic
4 beverage licenses: Beer and Wine Room, Tavern, Tavern-Limited, General On-Sale and Urban Lounge.

5 SECTION 11: Title 19, Chapter 18, Section 20, is hereby amended by amending the definition of
6 the use "Nightclub" to read as follows:

7 **Nightclub.**

8 [A. An establishment, other than a teen dance center, where its primary operations are that of preparing and
9 serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment,
10 generally operated primarily in the late-evening/early morning hours. An establishment shall be considered
11 a nightclub if it exhibits the following characteristics:

12 1. Live entertainment is provided in an area that exceeds fifty square feet, and the following spaces
13 shall be included in the calculation of such area: stage space, disc jockey space, dance floor(s), and any space
14 primarily dedicated to the viewing of the live entertainment provided by the licensee; and

15 2. Its primary operating hours are generally between the hours of nine p.m. and five a.m. the
16 following day, or "afterhours" between four a.m. and ten a.m. on the same day.

17 B. For purposes of the subsection, live entertainment includes live music (with or without dancing), recorded
18 or digital music played for patrons by a live disc jockey or electronic device, or karaoke entertainment or
19 other stage shows, such as a magician, comedian other similar type of performance artist.]

20 An indoor or outdoor drinking, dancing, or entertainment establishment that does its primary business after
21 dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly
22 occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing
23 (whether or not dancing actually occurs). The use may (but is not required to) include any of the following:
24 onsite consumption of alcoholic beverages, a bar area, a fee for admittance, a promoter contracted to provide
25 entertainment, and the sale of prepared food. In order to qualify as a nightclub, any sale of prepared food
26 must be accessory to the primary use. The term does not include an erotic dance establishment licensed under

1 LVMC Chapter 6.35 or an establishment that qualifies as a Teen Dance Center.

2 SECTION 12: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
3 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

4 SECTION 13: The Department of Planning is:

5 (A) Authorized and directed to incorporate into the Unified Development Code the
6 amendments set forth in Sections 7 to 11, inclusive, of this Ordinance.

7 (B) Authorized to make technical conforming updates to other locations within the
8 Unified Development Code and other City regulatory documents to change occurrences of the term "night
9 club" to "nightclub." Such other documents include without limitation area-specific documents such as the
10 Downtown Centennial Plan and the Town Center Development Standards Manual.

11 SECTION 14: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
12 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
13 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
14 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
15 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
16 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
17 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

18 SECTION 15: Whenever in this ordinance any act is prohibited or is made or declared to
19 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
20 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
21 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
22 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
23 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
24 of this ordinance shall constitute a separate offense.

25 ...

26 ...

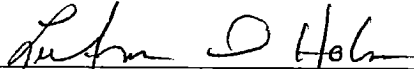
1 SECTION 16: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 16th day of May, 2018.

5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12  4-3-18
13 Val Steed, Date
Deputy City Attorney

14

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of April, 2018, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 16th day of May, 2018, which
4 as a regular meeting of said Council; that at said regular meeting, the proposed ordinance
5 was read by title to the City Council as first introduced and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman and Councilmembers, Tarkanian, Anthony, Coffin
7 Fiore, Seroka and Crear

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11
12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000982362

RECEIVED
CITY CLERK

2018 MAY -7 A 11:51

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/03/2018 to 05/03/2018, on the following days:

05 / 03 / 18


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of May, 2018

Notary 



BILL NO. 2018-10

AN ORDINANCE PERTAINING TO "NIGHTCLUBS" AND "RESTAURANTS WITH ALCOHOL"; AMENDING THE LICENSING AND ZONING PROVISIONS REGARDING NIGHTCLUBS TO UPDATE THE DEFINITION OF "NIGHTCLUB" AND REVISE APPLICABLE LICENSING AND ZONING STANDARDS; ADJUSTING THE LIVE ENTERTAINMENT AND FOOD SALES PROVISIONS PERTAINING TO RESTAURANTS WITH ALCOHOL; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroka

Summary: Amends the licensing and zoning provisions regarding nightclubs to update the definition of "nightclub" and revise applicable licensing and zoning standards, and adjusts the live entertainment and food sales provisions pertaining to restaurants with alcohol.

At the City Council meeting of April 18, 2018

BILL NO. 2018-10 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 3, 2018
LV Review-Journal

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000985751

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2018 MAY 24 A 11:39

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/19/2018 to 05/19/2018, on the following days:

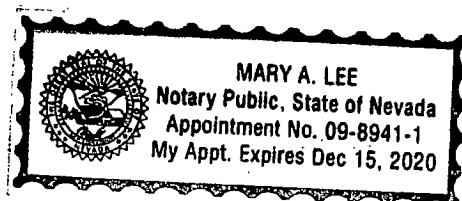
05 / 19 / 18


/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of May, 2018

Notary





BILL NO. 2018-10
ORDINANCE NO. 6621

AN ORDINANCE PERTAINING TO "NIGHTCLUBS" AND "RESTAURANTS WITH ALCOHOL", AMENDING THE LICENSING AND ZONING PROVISIONS REGARDING NIGHTCLUBS TO UPDATE THE DEFINITION OF "NIGHTCLUB" AND REVISE APPLICABLE LICENSING AND ZONING STANDARDS; ADJUSTING THE LIVE ENTERTAINMENT AND FOOD SALES PROVISIONS PERTAINING TO RESTAURANTS WITH ALCOHOL; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroka

Summary: Amends the licensing and zoning provisions regarding nightclubs to update the definition of "nightclub" and revise applicable licensing and zoning standards, and adjusts the live entertainment and food sales provisions pertaining to restaurants with alcohol.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of April, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of May, 2018, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman, and Councilmembers Tarkanian, Anthony, Coffin, Seroka, Fiore and Crear
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 19, 2018
LV Review-Journal